

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF VERMONT

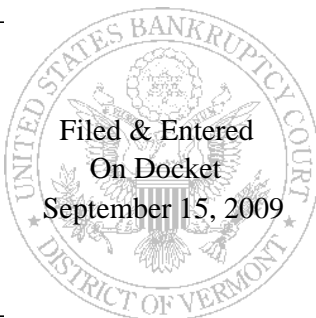
Michael F. Montagne,  
Debtor-in-Possession.

Chapter 12 Case  
# 08-10916

Ag Venture Financial Services, Inc.,  
Plaintiff,

v.

Michael F. Montagne, *et al.*,  
Defendants.



Adversary Proceeding  
# 08-1023

Appearances: Lisa Chalidze, Esq.  
for Diane Montagne

Gary Franklin, Esq. and  
Douglas Wolinsky, Esq.  
for Ag Venture Financial  
Services, Inc.

**ORDER**  
**GRANTING IN PART AND DENYING IN PART AG VENTURE FINANCIAL SERVICES, INC.'S**  
**MOTION FOR SUMMARY JUDGMENT,**  
**DENYING DIANE MONTAGNE'S CROSS-MOTION FOR SUMMARY JUDGMENT**  
**ON THE CONVERSION OF COLLATERAL CAUSE OF ACTION,**  
**ESTABLISHING OPPORTUNITY FOR ADDITIONAL BRIEFING, AND**  
**SETTING STATUS CONFERENCE IN ADVERSARY PROCEEDING**


For the reasons set forth in a memorandum of decision of even date, IT IS HEREBY ORDERED that the Court grants in part and denies in part Ag Venture's motion for summary judgment, and denies Diane Montagne's cross-motion for summary judgment, on the conversion claim, on the terms set forth in the corresponding memorandum of decision (doc. ## 250, 272, 292).

IT IS FURTHER ORDERED that if the Parties wish to renew and supplement their motions with respect to the § 9-332 defense they shall file a stipulated briefing schedule, or a request for a status conference, by October 1, 2009.

IT IS FURTHER ORDERED that if Diane Montagne and Ag Venture do not pursue summary judgment on the defense outstanding, then, unless otherwise ordered by the Court, a pre-trial conference will be held in this adversary proceeding on October 20, 2009 at 11 a.m. to establish a schedule for the trial on the complaint herein.

SO ORDERED.

September 14, 2009  
Rutland, Vermont

  
Colleen A. Brown  
United States Bankruptcy Judge